

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TAWANA F. SAMPSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:16CV1069
	)	
GUILFORD COUNTY, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION AND ORDER**

**OSTEEN, JR., District Judge**

This matter is before the court on the Motion to Dismiss Plaintiff's Complaint (Doc. 5) filed by Defendants Guilford County Sheriff's Department, B.J. Barnes, Daryl L. Lanier, Michael A. Allred, Bradley E. Cheek, P. Summers, R. Beasley, Jonathan Tufo, Carl Harper, and D.A. Murnane. Also before the court is a Motion to Dismiss (Doc. 8) filed by Defendants Guilford County, Marty Lawing, Jeff Phillips, Alan Branson, Kay Cashion, Carolyn Coleman, Justin Conrad, J. Carlvena Foster, Hank Henning, Alan Perdue, Ray Trapp, and John & Jane Doe 1-5. Plaintiff Tawana F. Sampson has not responded to either motion. For the reasons expressed herein, this court will grant both motions to dismiss.

On April 25, 2016, Plaintiff Sampson filed a 20-page Complaint in the Middle District of North Carolina against a number of state government employees claiming she was "wrongfully and brutally beaten by officers of the Guilford County Sheriff Department . . . with such physical abuse rising to the level of torture and rendering Ms. Sampson totally disabled, all because of her race." (Case No. 1:16CV376, Complaint (Doc. 1) ¶ 1.) The Complaint in that civil action contained no other factual allegations. (See id.)

In an Order and Recommendation filed July 15, 2016, Magistrate Judge Joi Elizabeth Peake found that the above-mentioned Complaint should be dismissed without prejudice due, in significant part, to insufficient factual allegations. (See Case No. 1:16CV376, Order and Recommendation of United States Magistrate Judge (Doc. 4) at 4-5.) Plaintiff did not file any objections and this court adopted the Recommendation on August 8, 2016, dismissing the action without prejudice so that Plaintiff could add to her lacking factual allegations. (Case No. 1:16CV376, Judgment (Doc. 6).)

On August 22, 2016, Plaintiff filed another Complaint in the Middle District of North Carolina, commencing the present action (Doc. 1). Upon this court's inspection, the present Complaint is the same Complaint that Plaintiff filed in Case No.

1:16CV376 on April 25, 2016. Plaintiff did not address any of the flaws that Magistrate Judge Peake identified in her July 15, 2016 Order and Recommendation. Specifically, Plaintiff did not supplement the inadequate factual allegations.

As such, this court will dismiss Plaintiff's present Complaint for the same reasons expressed in Magistrate Judge Peake's July 15, 2016 Order and Recommendation, this time with prejudice.

**IT IS THEREFORE ORDERED** that the motions to dismiss (Docs. 5, 8) are **GRANTED** and this case is **DISMISSED WITH PREJUDICE**.

A judgment consistent with this Memorandum Opinion and Order will be entered contemporaneously herewith.

This the 4th day of August, 2017.

  
United States District Judge